

REPORT

DATE: October 4, 2007

TO: Energy and Environment Committee

FROM: Jessica Kirchner, Senior Regional Planner, (213) 236-1983, kirchner@scag.ca.gov

SUBJECT: Orange County Council of Governments (OCCOG) Request Regarding the 2008 PEIR for the RTP and RCP

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Continue the current approach of preparing a combined Program Environmental Impact Report (PEIR) for the 2008 Regional Transportation Plan (RTP) and Regional Comprehensive Plan (RCP).

BACKGROUND:

On August 30, 2007, Orange County Council of Governments (OCCOG) submitted a letter (attached) requesting that the "environmental processes and environmental documents for the Regional Transportation Plan and the Regional Comprehensive Plan be separated now, to allow both Plans to move forward, yet independently, in their respective discussions, deliberations, environmental clearance and adoption." The letter was directed to the Community, Economic and Human Development (CEHD) Committee, who thereafter took action to have the Energy and Environment Committee (EEC) review the request. The letter from OCCOG provided three reasons for the request:

1. The RTP is an urgent regional priority and the Regional Council should focus its efforts to address challenges associated with the RTP.
2. Discussion and deliberation of the RCP could endanger the compressed timeline and deadlines of the mandated RTP, making the combined PEIR an unnecessary constraint.
3. More time is needed to allow full disclosure and discussion of the ramifications of any state law changes that affect compliance with the proposed RCP.

As discussed at previous meetings, staff has recommended the combined PEIR as the preferred approach. Staff has been following this approach, including issuing a Notice of Preparation for a combined PEIR as required under the California Environmental Quality Act (CEQA). As described below, there are several reasons favoring undertaking a combined PEIR approach, which would allow flexibility during adoption of the RTP and RCP. Briefly, the following are options for the Committee's consideration:

Option (1): Proceed with the combined RTP RCP PEIR. (Staff's recommendation)

This approach follows previous direction of the EEC, and would maintain flexibility for the committees with regard to final adoption of the documents. Briefly, under this option, the Regional Council will have the flexibility to:

- a) Certify a combined PEIR and approve the RTP and RCP at the same time (preferred) or
- b) Certify a combined PEIR and approve the RTP at the same meeting, approve individual chapters of the RCP either at the same meeting or subsequently. This would allow for thorough discussion of each of the chapters prior to adoption. This is the process that was used for the 1996 RCP.

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Option (2): Separate the two documents (as requested by OCCOG) and prepare two PEIRs, one each for the RTP and the RCP.

This approach is not practicable and would result in additional costs for SCAG. Several procedural milestones have already been met for the combined approach. Separating the documents would likely require recirculation of the Notice of Preparation and another 30 day comment period, which could result in schedule delays for the RTP. Additional costs would also be accrued due to the preparation, circulation and printing of a second PEIR.

While the RCP is not a required document, it is a multi-year planning effort, which was authorized by the Regional Council in 2002 as part of SCAG's Ten Year Strategic Plan, and in which many committee/board members have been heavily involved. The planning efforts undertaken as part of the RCP have been far reaching, including input from various working groups, task forces and SCAG committees.

Staff agrees with several of the points made by OCCOG, including that the RTP is an urgent regional priority and the RCP should be carefully considered by RC members prior to adoption. To that end, staff seeks to ensure that Regional Council members are made aware of the reasons for recommending proceeding with the combined PEIR. A combined PEIR achieves the following:

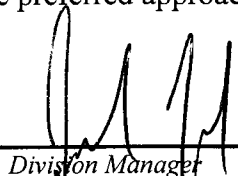
- Eliminates duplication in settings/existing conditions; CEQA encourages the streamlining of environmental documents. [*CEQA Guidelines* Section 15006 encourages public agencies to "reduce delay and paperwork by (l) combining environmental documents with other documents. .."]
- The approach is permitted under CEQA and reasonable given that both documents are on the same schedule, have the same horizon year and deal with many of the same issues.
- The RCP includes policies adopted previously as part of the 1996 RCPG, 2004 Growth Vision, and 2004 RTP as well as new policies. This compilation will guide the Intergovernmental Review (IGR) process and future SCAG actions; as such they should be presented and evaluated together with the RTP rather than separately.

For the reasons described above, staff recommends that SCAG proceed with the current approach and prepare a combined PEIR for the RTP and RCP. This approach is reasonable under CEQA and will provide Regional Council members with the necessary flexibility at the time of certification and adoption to address any remaining concerns regarding the RCP.

FISCAL IMPACT:

Proceeding with the preferred approach would have no fiscal impact. Funds for the PEIR are programmed in FY 07/08.

Reviewed by:



Division Manager

Reviewed by:

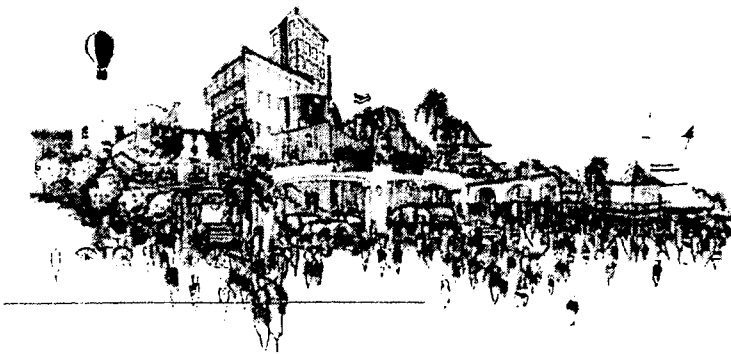


Department Director

Reviewed by:



Chief Financial Officer



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August 29, 2007

The Honorable Jon Edney, Chair
 Community, Economic and Human Development Committee
 Southern California Association of Governments
 818 West Seventh Street
 Los Angeles, California 90017-3435

Chair Edney:

RE: SCAG Program EIR for the 2008 Regional Transportation Plan Update and Regional Comprehensive Plan

At its meeting of August 23, 2007, the Board of Directors of the Orange County Council of Governments (OCCOG) discussed three major work efforts underway at the Southern California Association of Governments (SCAG):

- the federal and state mandated 2008 update to the Regional Transportation Plan (RTP);
- the comprehensive update to SCAG's Regional Comprehensive Plan (RCP); and,
- SCAG's proposal to prepare one Program Environmental Impact Report (PEIR) that would environmentally clear both the 2008 RTP Update and the RCP.

The OCCOG Board expresses concern with the pursuit of a combined EIR that would environmentally clear both the Regional Transportation Plan and the Regional Comprehensive Plan, and respectfully urges SCAG to consider a separation of the environmental processes and environmental documents for each Plan. The OCCOG Board's recommendation is based upon the following considerations:

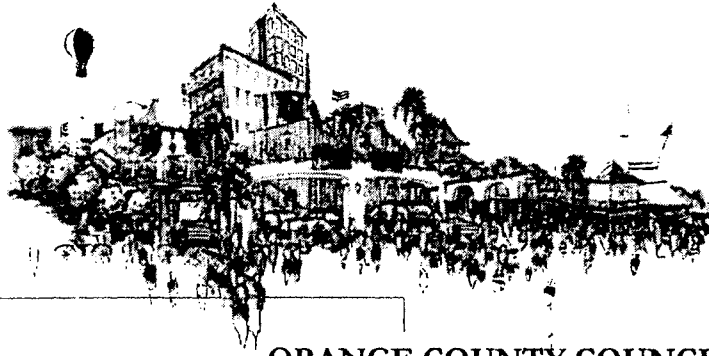
- 1) Both the Regional Transportation Plan and the Regional Comprehensive Plan are significant undertakings that require extensive consultation and outreach to achieve consensus.

One undertaking, the 2008 Regional Transportation Plan update, is mandated and must be adopted by early 2008 to be forwarded to state and federal agencies for approval.

The other undertaking, the Regional Comprehensive Plan, is a voluntary effort not governed by statute or deadline.

As outlined in SCAG's major issues and framework for the next Regional Transportation Plan, there are significant RTP issues need to be vetted with stakeholders, including the subregions, the county transportation commissions, the private sector, and our air quality agencies in order to achieve an RTP that can meet air quality conformity and address mobility.

The OCCOG Board shares with SCAG's policy committees and its Regional Council its belief that at this point in time, the Regional Transportation Plan is an urgent regional priority, and that we must focus our efforts to address the full plate of RTP challenges and deliver an RTP update and an attendant EIR on time to address federal and state mandates and enable critical transportation projects to move forward.



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- 2) The Regional Comprehensive Plan is akin to a local jurisdiction's General Plan, setting forth policies and action statements on nine subject areas for the six-county SCAG region. It is our understanding that the last Regional Comprehensive Plan was adopted many years ago. Thus, the RCP under development would essentially constitute a new framework of policies for local jurisdictions, special districts and other agencies to consider, in conjunction with new development or re-development proposals.

The OCCOG Board recognizes that public outreach and public comment on the Regional Comprehensive Plan is essential. However, the OCCOG Board also recognizes that the planning and public outreach process on the Regional Comprehensive Plan could and should result in many comments and recommendations that are all valid, but with differing perspectives, which will warrant careful consideration and deliberation.

It is the OCCOG Board's concern that the necessary discussion and deliberations on the Regional Comprehensive Plan could endanger the compressed timeline and deadlines of the mandated Regional Transportation Plan; and that the construct of a single EIR for both the RTP and RCP could pose an unnecessary, but avoidable constraint, to timely RTP adoption.

- 3) In light of legislative proposals under consideration by State legislators, the guiding measures and action items that are proposed in the Regional Comprehensive Plan could take on a much more significant role than we currently understand. The Regional Comprehensive Plan must receive full public and local review in consideration of the possibility that proposed state legislation could place much more significance on local government implementation of the plan through the linking of transportation funding to consistency between general plans and the RCP. Separating the environmental review for the Regional Transportation Plan and the Regional Comprehensive Plan will allow for a full discussion and disclosure of the ramifications of any state law changes that affect compliance with the proposed RCP.

Further, the OCCOG Board pledges its commitment to undertake its subregional responsibilities and outreach to Orange County jurisdictions, transportation agencies, special districts, resource agencies, the private sector, and public interest groups, to request their review of the Regional Comprehensive Plan and to secure their input and recommendations on the proposed Plan policies.

Based upon these considerations and concerns, it is the OCCOG Board's recommendation that the environmental processes and environmental documents for the Regional Transportation Plan and the Regional Comprehensive Plan be separated now, to allow both Plans to move forward, yet independently, in their respective discussions, deliberations, environmental clearance and adoption.

Respectfully and on behalf of the OCCOG Board of Directors,

Dennis R. Wilberg
OCCOG Interim Executive Director



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cc: The Honorable Gary Ovitt, SCAG Regional Council President
The Honorable Alan D. Wapner, Chair, SCAG Transportation and Communications Committee
The Honorable Debbie Cook, Chair, SCAG Energy and Environment Committee
Mr. Mark Pisano, Executive Director, SCAG
Council Member Art Brown, Chair, OCCOG Board of Directors
Council Member Cheryl Brothers, Vice-Chair, OCCOG Board of Directors
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OCCOG Member Agencies
OCCOG Subregional Representatives to SCAG Policy Committees
Mr. Art Leahy, Chief Executive Officer, OCTA
Ms. Bev Perry, SCAG
Mr. Darin Chidsey, SCAG
Mr. Miles Mitchell, Chair, SCAG Subregional Coordinators Group
Mr. Kia Mortazavi, OCTA
Mr. Kurt Brotcke, OCTA
Mr. David Simpson, OCTA
Mr. Michael Litschi, OCTA
Ms. Karen Hamman, OCCOG Interim Clerk of the Board